

TESTIMONY IN THE HILTON CASE.

Attorney for Plaintiff is Called Down Very Emphatically by The Court.

"SEALING" STILL THE THEME.

Cross-Examination of C. W. Penrose Productive of Veritable Fusillade of Queries, Objections and Replies.

The cross-examination of Mr. C. W. Penrose in the Hilton-McCormick case was concluded in Judge Hall's court yesterday afternoon, but counsel for the defense desired to present a further question to the witness, so the case was continued until Monday morning at 9:30 o'clock at which time Mr. Penrose will again be placed on the witness stand.

Several lively encounters occurred between the witness and Atty. Jones during the cross-examination and on one occasion the court found it necessary to rebuke the attorney for his unbecoming attack upon the witness. Atty. Stewart interposed many objections to the manner in which the attorney for plaintiff conducted the cross-examination, several of which were sustained by the court.

One of the first questions asked in the afternoon was in relation to section 122 of the Doctrine and Covenants. Jones asked whether that was a law to the church. The attorney wanted a direct answer, "yes" or "no," but the witness replied "yes."

"It is a law to the church according to its own language and import; that is my answer."

The court allowed the answer to go into the record. Attorney Jones attempted to get the witness to reply to questions comparing the weight of his opinions to that of the utterances of church authorities, but the witness said he had given no opinion of church doctrines or ordinances in this court, and the judge ruled the question out as improper. The attorney further put questions based on the presumption that the witness had testified that the Bible, the Book of Mormon and the Doctrine and Covenants were the only authorities in the church on doctrine. The witness replied he had not made any such statement but had said they were the only **WRITTEN** standards, and had been so adopted by the church.

Questioned as to whether the oral enunciation by President Woodruff as to the sealing of children to parents was authoritative, after the question was put in proper form, the witness answered yes, and stated further that it was by other than written standards he had been informed concerning the sealing ceremonies.

Attorney Jones strenuously objected to the latter part of his answer, but the court ruled that it should stand. Another question by Attorney Jones was as to the number of forms or "sealings" there are relating to marriages.

"There is one for time, one for time and eternity, and one for eternity only, as I have testified to a number of times today," was the reply of the witness.

The attorney wanted the witness to state what their form was, but was met by the reply that they were sealed and not made public. The attorney asked:

"If they are not published may they not be varied in form by the persons officiating?"

The witness replied in the negative, except that each form was suited to the ceremony.

"Don't you know that there are hundreds of sealings and marriages going on in the Temple all the time?"

The witness demurred to the question in that form and asked: "Do you mean that there is a frequent performance of them?"

"You know what I mean," replied the attorney.

Judge Hall interrupted the attorney and told him that he should frame his questions so that they would not be for the purpose of embarrassing the witness, but such as he could answer intelligently.

"I want the witness to answer the question directly, for I believe he is overreacting," retorted the attorney.

The court will take it upon itself to protect a witness from the attack of an attorney or other officer of the court. The witness has not given you cause to make such a statement concerning him, to the contrary he has shown a willingness to answer your questions in a fair and impartial manner when they are put in such a way that he can do so. You should frame your questions so there can be no misunderstanding as to your intention."

After framing the question differently it was answered in the affirmative by the witness.

"Don't you know that there are hundreds of people sealed for time and eternity who are not married in any other way?"

"Yes."

"They live and cohabit together?"

"Yes."

"Suppose a man and woman are sealed for time and eternity and cohabit together, do you understand under the law of the church that they commit adultery?"

"No sir, it would not be adultery," was the reply.

"Have you ever witnessed a sealing for eternity?"

"Yes."

"Will you state some instance, when, where and who the parties were?"

The witness declined to answer the question and was upheld in his action by the court.

During the cross-examination the witness was interrogated by Atty. Jones as to the probity of Daniel H. Wells and whether he could be likely to attempt to deceive. The answer was that Daniel H. Wells was a man of integrity and probity and would not do so wilfully and intentionally.

After the cross-examination was concluded, Atty. Stewart wished to ask some direct questions, but as they were objected to, they were postponed until Monday morning at 9:30, to which time the case was continued.

To Dissolve Injunction.

Judge Hall in this afternoon hearing arguments on the demurrer and a motion to dissolve the injunction in the case of Sarah A. Gibbs et al. vs. the Rio Grande Western Railway company et al. The action was brought to enjoin the defendants from laying additional tracks on Fifth North street from North Temple to Fifth North street, and thereby practically closing said street to the public.

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chandise sold to Heardsley's Tavern at the time Davis was receiver of the same, and he claimed that the receiver did not include plaintiff's account in final settlement of the receivership affairs in the court and hence it was never paid. The trust company has made a defendant in the action for the reason that it was surety on Davis' bond.

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